

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERNA PARINO, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

BIDRACK, INC., a Delaware corporation,
and JOHN DOE DEFENDANT,

Defendants.

No. C 11-03149 WHA

**ORDER QUASHING
IMPROPER RULE 68
OFFER OF JUDGMENT**

This purported class action was reassigned to the undersigned judge on July 5, 2011. A notice regarding factors to be evaluated for any proposed class settlement was issued the same day. Among other guidance, the notice addressed the timing of proposed settlements. It explained that compromise usually is better *after* class certification, and it emphasized that if counsel believe pre-certification settlement discussions are appropriate, a motion for appointment of interim class counsel must first be made (Dkt. No. 8 at 4). No such motion has been made. On August 11, 2011, however, defendant tendered a Rule 68 offer of judgment to plaintiff's counsel. Plaintiff now moves to quash the Rule 68 offer (Dkt. No. 26). Defendant opposes (Dkt. No. 36).

The Rule 68 offer of judgment was improper. No efforts to compromise the claims may be made until class counsel or interim class counsel are appointed. Notwithstanding the fact that the Rule 68 offer was never filed, it is **QUASHED**. The parties' arguments concerning the procedural adequacy of the offer need not be addressed.

IT IS SO ORDERED.

Dated: October 16, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE